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Crl.OP.No.10520 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.10520 of 2025

1. Anish Kumar
2. Sandhya Prabha ... Petitioner(s) /Accused

Vs.

The State represented by,
Inspector of Police,
District Crime Branch,
Coimbatore. ... Respondent(s)/ Complainant
Crime No.1 of 2025

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to grant anticipatory bail to the petitioners in the event of arrest in Crime No.1 of 2025 by the respondent police.

For petitioner(s) : Mr.R.Suryakumaran

For Respondent(s) : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

This is the third anticipatory bail application filed by the petitioner before this Court.



Crl.OP.No.10520 of 2025

WEB COPY

2. The earlier bail application filed by the petitioners was dismissed as withdrawn before this Court on 20.03.2025.

3. The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 120B and 409 of IPC in Crime No.1 of 2025, seek anticipatory bail.

4. It is the case of the prosecution that the defacto complainant paid a sum of Rs.12,28,61,882/- to the petitioners for the supply of cashew nuts to the defacto complainant between the period from 2021 and 2024; that the petitioners supplied cashew nuts worth about Rs.9 crores, and failed to supply the cashew nuts for the remaining sum of Rs.3 crores and thus committed the aforesaid offences. Hence, the case.

5. The learned counsel for the petitioners would submit that it is a case of business transaction; that there was continuous relationship between



WEB COPY

the petitioners and the defacto complainant; that the allegations only disclose a money dispute; and that, in any case, the allegations are borne out by records and hence, custodial interrogation of the petitioners is not required and prayed for grant of anticipatory bail to the petitioners.

6. Learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the petitioners had executed a document agreeing to pay a sum of Rs.49,45,000/-, but failed to keep up their promise.

7. The allegations in the FIR would disclose a breach of promise and a civil dispute. The allegations pertain to non-supply of goods for the money paid. Admittedly, the petitioner and the defacto complainant had business relationship for a long time. In any case, the allegations are borne out by records and custodial interrogation is not required.

8. Accordingly, the petitioners are ordered to be released on bail in



WEB COPY

the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Judicial Magistrate No.VI, Coimbatore**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned



Crl.OP.No.10520 of 2025

WEB COPY

Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**;

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

17.04.2025

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
Internet: Yes/No
skr

To

1. Inspector of Police,
District Crime Branch,
Coimbatore.
2. The Public Prosecutor,
Madras High Court,
Chennai.
3. Judicial Magistrate No.VI, Coimbatore

Page No.5 of 7



WEB COPY



Crl.OP.No.10520 of 2025

SUNDER MOHAN, J.

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Crl.OP.No.10520 of 2025



WEB COPY



Crl.OP.No.10520 of 2025

17.04.2025